



The Metropolitan District

water supply · environmental services · geographic information

**DISTRICT BOARD
555 MAIN STREET, HARTFORD, CT
REGULAR MEETING
WEDNESDAY, SEPTEMBER 7, 2022 5:30 PM**

The general public is welcome to call into the meeting. Everyone on the call will need to mute their phone to limit background noise disrupting the meeting.

Dial in #: (415)-655-0001; Access Code: 43808661#

[Meeting Video Link](#)

1. MEETING CALLED TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MEETING MINUTES OF AUGUST 1, 2022
5. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
6. REPORT FROM DISTRICT CHAIRMAN
7. REPORT FROM CHIEF EXECUTIVE OFFICER
8. REPORT FROM DISTRICT COUNSEL
9. REFERRAL TO COMMITTEES:
 - A. COMMITTEE ON MDC GOVERNMENT RE: CODE OF ETHICS
ACKNOWLEDGMENT AND CONFLICT OF INTEREST DISCLOSURE FORM
 - B. COMMITTEE ON ORGANIZATION RE: FILLING OF COMMITTEE VACANCIES
10. REPORT RE: 2022 CYBER YANKEE EXERCISE
11. WATER BUREAU - CONSIDERATION AND POTENTIAL ACTION RE: LAYOUT & ASSESSMENTS - COLEMAN ROAD, GLASTONBURY (August 22, 2022)
12. BOARD OF FINANCE - CONSIDERATION AND POTENTIAL ACTION RE: (August 10, 2022)
 - A. PROJECT CLOSEOUTS
 - i. WATER CAPITAL PROJECTS
 - ii. SEWER CAPITAL PROJECTS
 - iii. COMBINED CAPITAL PROJECTS
 - B. APPROVAL FOR STATE OF CT FINANCING CLEAN WATER FUND 728C
13. BUREAU OF PUBLIC WORKS - CONSIDERATION AND POTENTIAL ACTION RE:
 - A. STATE OF CT DEPT. OF ENERGY & ENVIRONMENTAL PROTECTION CONSENT ORDER #COWRMU22002 (POSSIBLE EXECUTIVE SESSION) (August 22, 2022)



The Metropolitan District

water supply · environmental services · geographic information

**B. THE METROPOLITAN DISTRICT v. STATE OF CONNECTICUT OFFICE OF CLAIMS
COMMISSIONER FILE NO. 25078 (POSSIBLE EXECUTIVE SESSION)** (August 22,
2022)

**14. PERSONNEL, PENSION & INSURANCE COMMITTEE - CONSIDERATION AND
POTENTIAL ACTION RE:**

A. AMENDMENT OF JOB SPECIFICATIONS (August 10, 2022)

- i. **CONSTRUCTION & UTILITY SERVICES SUPERVISOR**
- ii. **ASSISTANT UTILITY MAINTENANCE SUPERVISOR**
- iii. **UTILITY MAINTENANCE SUPERINTENDENT**

**B. APPROVAL OF TENTATIVE AGREEMENT WITH A.F.S.C.M.E. LOCAL 1026
(POSSIBLE EXECUTIVE SESSION)** (August 10, 2022)

C. CHANGES TO EXEMPT & EXCLUDED EMPLOYEE BENEFITS (August 10, 2022)

**D. SETTLEMENT OF WORKERS COMPENSATION CLAIM – DELVECCHIO
(POSSIBLE EXECUTIVE SESSION)** (September 6, 2022)

15. INTERNAL AUDIT COMMITTEE:

**A. CONSIDERATION AND POTENTIAL ACTION RE: RESOLUTIONS REGARDING
SANDLER & MARA, P.C. 2021 AND 2022 INVOICES** (August 25, 2022)

B. REPORT RE: QUESTIONS TO WILLIAM DIBELLA (August 25, 2022)

**C. REPORT RE: REFERRAL TO ETHICS COMMITTEE OF POSSIBLE ETHICS CODE
VIOLATIONS BY COMMISSIONER ALVIN TAYLOR** (August 25, 2022)

**D. CONSIDERATION AND POTENTIAL ACTION RE: REFERRAL TO BOARD
POSSIBLE VIOLATION OF MDC BY-LAW B2K BY COMMISSIONER ALVIN
TAYLOR** (September 6, 2022)

**E. CONSIDERATION AND POTENTIAL ACTION RE: BUDGET FOR OUTSIDE
COUNSEL TO CONDUCT INDEPENDENT COUNSEL OF ISSUES RELATED TO
SANDLER & MARA, P.C. INVOICES** (September 6, 2022)

**F. CONSIDERATION AND POTENTIAL ACTION RE: RECOMMENDATIONS FROM
INTERNAL AUDIT COMMITTEE RELATED TO INDEPENDENT INVESTIGATION**
(September 6, 2022)

16. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

17. COMMISSIONER COMMENTS & QUESTIONS

18. OTHER BUSINESS

19. ADJOURNMENT

**WATER BUREAU
COLEMAN ROAD, GLASTONBURY
LAYOUT AND ASSESSMENT FOR WATER MAIN EXTENSION**

To: District Board

September 7, 2022

From: The Water Bureau

In 2006, the District received a petition from a property owner on Coleman Road in Glastonbury requesting that a public water main be installed in the street to replace a well shared by four (4) homes which is unreliable, contains contaminants including radon and uranium, and costly to maintain. In 2019, the Town of Glastonbury requested the District to identify potential water main projects within Glastonbury that could be constructed on an accelerated basis and Coleman Road was included in a project along with adjacent streets Chestnut Hill Road and Lenti Terrace. A public hearing was held on the project on June 26, 2019. The four properties with the shared well on Coleman Road supported the project in 2019 but based on strong opposition to the proposed project from residents on Chestnut Hill Road and Lenti Terrace, the Water Bureau did not vote to authorize construction of the water mains and assessments on the properties. The four properties were forced to remain with a shared well. In July 2022, a property owner on Coleman Road contacted the District again about connecting to MDC water due to the shared well on Coleman Road frequently running dry.

Due to the condition of the shared well, the District is proposing extending the existing MDC water main in Coleman Road approximately one hundred twenty-five feet (125ft) to the south to reach a parcel of land containing the shared well. There are four (4) properties that this proposed project will serve: 313 Chestnut Hill Road, 8 Coleman Road, 24 Moseley Terrace and 20 Moseley Terrace. Three of the four properties will be subject to direct assessment and 24 Moseley Terrace will be subject to connection charges. One of the properties subject to direct assessment has new owners that did not receive the required notice of an assessment during the 2019 public hearing process but the current owners have signed a waiver of their rights for notice of an assessment and public hearing in an effort to expedite this project for construction this year. The unassessed parcel that has the shared well is unbuildable due to lot size.

The estimated cost and benefit summary for this project is as follows:

ESTIMATED CONSTRUCTION COST:

125 feet of 8-inch	\$ 77,500.00	
Contingencies (10%)	<u>\$ 7,750.00</u>	
Total Estimated Construction Cost	\$ 85,250.00	\$ 85,250.00

ESTIMATED OTHER COST:

Blueprints, Maps & Charts	\$ 500.00
Work by District Forces	<u>\$ 10,000.00</u>

Total Estimated Other Costs	\$ 10,500.00	<u>\$ 10,500.00</u>
-----------------------------	--------------	---------------------

TOTAL ESTIMATED PROJECT COST:	\$ 95,750.00
--------------------------------------	---------------------

The source of funding summary is as follows:

Estimated Direct Assessments and Connection Charges to be Accrued to the Assessable Water Fund	\$ 54,790.30
---------------------------------------------------------------------------------------------------	--------------

Deficit to be collected from the non-member capital improvement surcharge or reimbursed by the Town of Glastonbury	<u>\$ 40,959.70</u>
--------------------------------------------------------------------------------------------------------------------------	---------------------

TOTAL ESTIMATED PROJECT COST:	\$ 95,750.00
--------------------------------------	---------------------

As the Bureau is aware, Ordinance W1f requires that any deficits incurred on capital improvements in non-member towns be added as a surcharge to each user's water bill in that non-member town. Therefore, the estimated deficit of \$40,959.70 will be incurred by the ratepayers in the Town of Glastonbury, or by the Town of Glastonbury itself if the Town so chooses, before the end of the District's fiscal year during which construction takes place.

At a meeting of the Water Bureau held on August 22, 2022, it was:

VOTED: To transmit to the District Board a resolution to layout and authorize construction of a Class II water main in portions of Coleman Road, Glastonbury, as set forth in the layout and schedule of assessments by the Water Bureau, and payment for the same is authorized from the Assessable Water Fund.

AND

VOTED: That the Controller be requested to make tentative allocations for this project pending passage of the layout by the District Board, and pending determination of actual costs, in accordance with the following schedule, which schedule is based on the Engineer's estimated cost and on the estimated assessment, as follows:

Direct Assessments and Connection Charges to be Accrued to the Assessable Water Fund	\$ 54,790.30
-----------------------------------------------------------------------------------------	--------------

Deficit to be collected from the non-member capital improvement surcharge or reimbursed by the Town of Glastonbury	<u>\$ 40,959.70</u>
--------------------------------------------------------------------------------------------------------------------------	---------------------

Total Estimated Project Cost:	\$ 95,750.00
-------------------------------	--------------

AND

VOTED: That after completion of the construction of a water main in portions of Coleman Road, Glastonbury, a final schedule of assessments based on the following preliminary assessments using the schedule of flat rates adopted December 10, 2018 and effective January 1, 2019 at \$95.00 per front foot or adjusted front foot, be declared due and payable and published with notice to any property owner aggrieved by these proceedings that he or she may appeal from the actions of The Metropolitan District and its Water Bureau to the Superior Court.

<u>Property now or Formerly of</u>	<u>Street Number</u>	<u>Frontage</u>	<u>Adjusted Frontage</u>	<u>Assessment</u>
<u>Chestnut Hill Road- North Side</u>				
Harold W. & Adele C. Finer	313	128.50	(120.00)	\$11,400.00
<u>Coleman Road- East Side</u>				
Kyle Candia-Bovi & Valerie Zalman	8	176.74		\$16,790.30
<u>Moseley Terrace- South Easterly Side</u>				
Diana & Timothy Kipp	20	70	(130.00)	\$12,350.00

AND

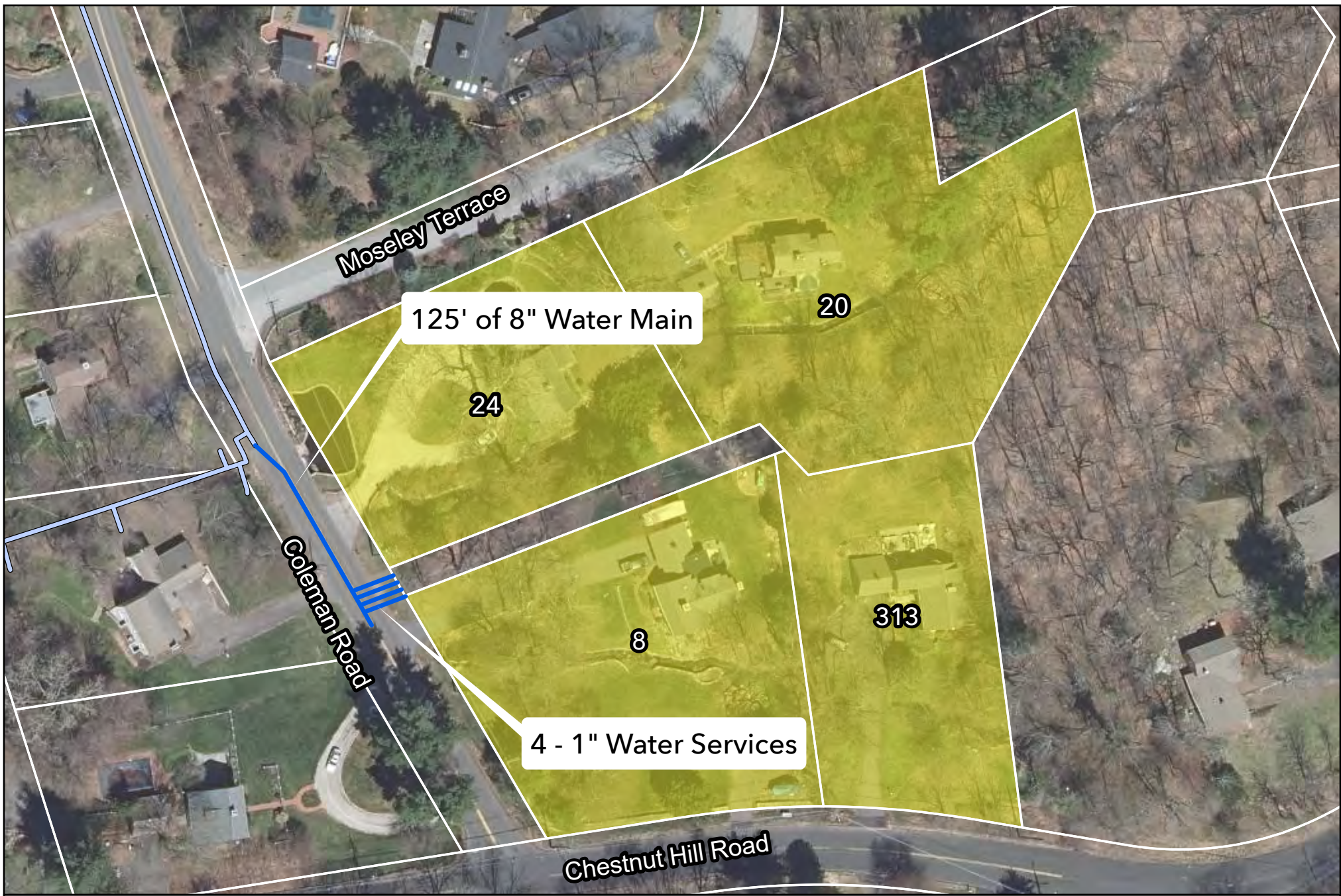
VOTED: That after completion of the construction of a water main in portions of Coleman Road, Glastonbury, the following property shall owe connection charges at the prevailing rates at the time of connection to the District's water main. The connection charges based on the current schedule of flat rates adopted December 10, 2018 and effective January 1, 2019 at \$95.00 per front foot or adjusted front foot, would be:

<u>Property now or Formerly of</u>	<u>Street Number</u>	<u>Frontage</u>	<u>Adjusted Frontage</u>	<u>Connection Charge</u>
<u>Moseley Terrace- South Side</u>				
Jean Hanna Holden	24	70	(150.00)	\$14,250.00




Respectfully submitted,

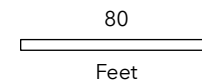


John S. Mirtle, Esq.
District Clerk



**The Metropolitan District
Proposed Water Line
Coleman Road, Glastonbury
Canvas Area**

-  Proposed Water Line
-  Existing Water Line
-  Canvas Area



BOARD OF FINANCE
CLOSEOUT OF WATER, SEWER, COMBINED & CLEAN WATER PROJECTS
WATER CAPITAL PROJECTS

To: District Board

September 7, 2022

From: Board of Finance

The District has undertaken the task of updating its Capital Improvement Project (CIP) records. The task includes the identification of projects which have been completed, cancelled, or had a change of scope. Based upon the review, District staff now recommends that the following projects be closed.

Project Definition	Year	BA	Project Description	Town	Budget	Expended Amount	Remaining Balance (UnAuthorize)
C-10002/WAT.CW1244.01	2010	2120	2010 General Purpose Water	Various	\$ 2,600,902.68	\$ 2,419,291.85	\$ 181,610.83
C-10004/WAT.CW1266.01	2010	2120	Dam Safety Res #1	Bloomfield	4,315,000.00	943,461.61	3,371,538.39
	2010 Total				6,915,902.68	3,362,753.46	3,553,149.22
C-12002/WAT.CW1334.01	2012	2120	Standpipe & AG Storg Tanks	East Hartford	4,224,000.00	583,508.70	3,640,491.30
C-12003/WAT.CW1344.01	2012	2120	2012 Gen Purp Water	Various	4,530,000.00	4,431,536.65	98,463.35
	2012 Total				8,754,000.00	5,015,045.35	3,738,954.65
C-13004/WAT.CW1370.01	2013	2120	Church St WM/Main to High	Hartford	4,570,000.00	319,460.75	4,250,539.25
	2013 Total				4,570,000.00	319,460.75	4,250,539.25
C-14009/WDS.TK0314.01	2014	2120	2014 Vexation Tanks Improv	MDC	3,300,000.00	154,892.08	3,145,107.92
	2014 Total				3,300,000.00	154,892.08	3,145,107.92
C-15001/WDS.DM0015.01	2015	2120	2015 General Purpose Water	Various	3,981,952.77	3,975,924.74	6,028.03
C-15003/WDS.TM0115.01	2015	2120	2015 Bond St WMR	Hartford	4,400,000.00	2,741,933.93	1,658,066.07
C-20006	2015	2120	2015 GPW -Trout Pond Dam - Massachusetts	MDC	18,047.23	18,047.23	-
	2015 Total				8,400,000.00	6,735,905.90	1,664,094.10
C-18003/WDS.DM0118.02	2018	2120	2018 Madison Ave WM Replac	Hartford	5,000,000.00	2,313,504.08	2,686,495.92
	2018 Total				5,000,000.00	2,313,504.08	2,686,495.92
C-19003/WDS.DM0019.02	2019	2120	2019 General Purpose Water	Various	500,000.00	483,557.67	16,442.33
C-19007/WDS.TM01519.01	2019	2120	2019 Bloomfield Transmission Extention	Bloomfield	6,000,000.00	4,185,910.47	1,814,089.53
C-20014	2019	2120	GPW- Farmington Ave WM Replacement	West Hartford	500,000.00	488,704.87	11,295.13
	2019 Total				7,000,000.00	5,158,173.01	1,841,826.99
C-20007	2020	2120	Long Hill Road Water Main	East Hartford/South Windsor	4,000,000.00	1,322,391.60	2,677,608.40
	2020 Total				4,000,000.00	1,322,391.60	2,677,608.40
	Grand Total				\$ 47,939,902.68	\$ 24,382,126.23	\$ 23,557,776.45

At a meeting of the Board of Finance held on August 10, 2022, it was:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution:

Resolved: That the District Board approves appropriation closeouts for the projects listed above.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

SEWER CAPITAL PROJECTS

To: District Board

September 7, 2022

From: Board of Finance

The District has undertaken the task of updating its Capital Improvement Project (CIP) records. The task includes the identification of projects which have been completed, cancelled, or had a change of scope. Based upon the review, District staff now recommends that the following projects be closed.

Project Definition	Year	BA	Project Description	Town	Budget	Expended Amount	Remaining Balance (UnAuthorize)
C-13011/WWA.CS1214.01	2013	2120	2013 General Purpose Sewer	Various	\$ 1,858,133.43	\$ 1,803,066.84	\$ 55,066.59
	2013 Total				1,858,133.43	1,803,066.84	55,066.59
C-14016/SCS.SR0014.02	2014	2110	2014 General Purpose Sewer	Various	5,000,000.00	4,716,982.49	283,017.51
	2014 Total				5,000,000.00	4,716,982.49	283,017.51
C-15006/SCS.PS0615.01	2015	2110	2015 PS Rplcw Rainbow Trnk	MDC	2,200,000.00	-	2,200,000.00
C-17016/SCS.SR0017.06	2015	2110	Sanitary Sewer Rehab Program	Bloomfield	3,600,000.00	3,600,000.00	-
C-20003	2015	2110	2015-GPS Northern Interceptor Main	East Hartford	301,791.00	298,186.45	3,604.55
	2015 Total				6,101,791.00	3,898,186.45	2,203,604.55
C-18013/SCS.SR0118.01	2017	2110	2018 Madison Ave Swr	Various	2,000,000.00	259,308.79	1,740,691.21
	2017 Total				2,000,000.00	259,308.79	1,740,691.21
C-18009/SCS.SR0018.01	2018	2110	CCTV Generated Sewer Construction	Various	3,500,000.00	3,400,819.17	99,180.83
C-21002/SCS.SR0118.01	2018	2110	Nook Farm Trunk/Flower Street Sewer Reha	Hartford	600,000.00	-	600,000.00
	2018 Total				4,100,000.00	3,400,819.17	699,180.83
C1H01	2020	2110	2020 Sewr Rehabilitation Program-Labor only	MDC	1,722,491.54	1,722,491.54	-
	2020 Total				1,722,491.54	1,722,491.54	-
	Grand Total				\$ 20,782,415.97	\$ 15,800,855.28	\$ 4,981,560.69

At a meeting of the Board of Finance on August 10, 2022, it was:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution:

Resolved: That the District Board approves appropriation closeouts for the projects listed above.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

COMBINED CAPITAL PROJECTS

To: District Board

September 7, 2022

From: Board of Finance

The District has undertaken the task of updating its Capital Improvement Project (CIP) records. The task includes the identification of projects which have been completed, cancelled, or had a change of scope. Based upon the review, District staff now recommends that the following projects be closed.

Project Definition	Year	BA	Project Description	Town	Budget	Expended Amount	Remaining Balance (UnAuthorize)
C-11005/COM.CFP161.01	2011	2130	Information Technology-Hardware	MDC	\$ 1,000,000.00	\$ 978,729.43	\$ 21,270.57
	2011 Total				1,000,000.00	978,729.43	21,270.57
C-15029/COM.BL0015.01	2015	2130	2015 Administrative Facilities Improvement Program	MDC	2,000,000.00	1,997,549.49	2,450.51
	2015 Total				2,000,000.00	1,997,549.49	2,450.51
C-17020/COM.BL0017.01	2017	2130	2017 Administration Facilities and Equipment Improvements	MDC	1,000,000.00	990,513.47	9,486.53
C-17021/COM.EQ0017.01	2017	2130	Information Technology-Upgrades	MDC	1,856,737.68	1,834,996.60	21,741.08
	2017 Total				2,856,737.68	2,825,510.07	31,227.61
C1H02	2021	2130	Survey & Construction	MDC	3,800,000.00	2,626,519.99	1,173,480.01
C1H03	2021	2130	Engineering Services	MDC	4,000,000.00	3,862,545.24	137,454.76
C1H04	2021	2130	Construction Services	MDC	2,000,000.00	1,530,229.63	469,770.37
C1H05	2021	2130	Technical Services	MDC	4,500,000.00	4,397,910.19	102,089.81
	2021 Total				14,300,000.00	12,417,205.05	1,882,794.95
	Grand Total				\$ 20,156,737.68	\$ 18,218,994.04	\$ 1,937,743.64

At a meeting of the Board of Finance on August 10, 2022, it was:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution:

Resolved: That the District Board approves appropriation closeouts for the projects listed above.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**BOARD OF FINANCE
APPROVAL FOR STATE OF CONNECTICUT FINANCING
CLEAN WATER FUND 728C**

To: District Board

September 7, 2022

From: Board of Finance

At the May 4, 2022 Board of Finance meeting, the committee approved a resolution to enter into Project Loan and Project Grant Agreement CWF No. 728-C. That resolution needs to be corrected in order to properly execute the Project Loan and Project Grant Agreement CWF No. 728-C.

At a Board of Finance meeting held on August 10, 2022, it was:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution:

RESOLVED:

Section 1. The Chairman, or in his absence, the Vice Chairman, and the District Treasurer, or in his absence, the Deputy Treasurer are authorized to execute and deliver the Project Loan and Project Grant Agreement CWF No. 728-C to be entered into with the State of Connecticut (the "Agreement") and any and all Interim Funding Obligations and Project Loan Obligations for CWF No. 728-C in the aggregate amount not to exceed \$72,019,386.53 to fund the construction of screening and pump station facilities for the South Hartford Conveyance and Storage Tunnel (Contract #3). Such Interim Funding Obligations shall be dated as of their date of issue, shall mature within six months of the Scheduled Completion Date, shall bear interest at the rate of two percent (2.00%) per annum, shall be payable as to principal and interest as provided in the Agreement and, to the extent not paid prior to maturity from The Metropolitan District funds, may be renewed by the issuance of Interim Funding Obligations or Project Loan Obligations, all as provided in the Agreement. Capitalized terms used herein and not defined shall have the meanings ascribed to them in the Agreement.

Section 2. The Project Loan Obligations shall be dated as of their date of issue, shall mature no later than twenty years from the Scheduled Completion Date, shall bear interest at the rate of two percent (2.00%) per annum and shall be payable as to principal and interest as provided in the Agreement.

Section 3. To the extent that this resolution conflicts with any prior resolution adopted by the Board regarding CWF No. 728-C, including that resolution adopted by the Board of Finance on May 4, 2022 or the District Board on June 6, 2022, this resolution shall be controlling.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

#12B

**BUREAU OF PUBLIC WORKS
CONSENT ORDER #COWRMU22002
2018 INTEGRATED PLAN/LONG TERM CONTROL PLAN**

To: District Board

From: Bureau of Public Works

On November 7, 2006 the District entered into Consent Order No. WC5434 with CT DEEP to implement actions to abate overflow from both sanitary and combined sewers throughout the District. In December 2012, the District submitted a required Long-Term Combined Sewer Overflow Control Plan update to CT DEEP which was approved in April, 2015. In 2012, the EPA developed an integrated planning framework that offered the opportunity for the regulated community to develop an integrated plan to meet multiple Clean Water Act requirements while also considering other infrastructure improvements and affordability issues, such as improvements to the District's drinking water system and associated costs. In 2019 the Water Infrastructure and Improvement Act became federal law and amended the Clean Water Act to include the integrated planning framework. In December 2018, per the Consent Order, the District submitted another update to its Long-Term Control Plan to CT DEEP. The update plan, titled Integrated Plan and Long-Term Control Plan ("2018 LTCP/IP"), incorporates an integrated planning concept and identifies the next iteration of actions with associated timelines for meeting the requirements of the CSO Control Policy and water quality standards.

CT DEEP has now completed its review of the 2018 LTCP/IP and issued a new draft Consent Order to supersede the 2006 Consent Order No. WC5434. CT DEEP determined that the 2018 LTCP/IP constitutes a new program and approach to achieving the requirements of the CSO Control Policy and water quality standards, and as such the District is authorized to de-authorize certain outstanding projects and associated outstanding bonds authorized to complete those projects delineated in the 2005 LTCP and the 2012 LTCP. Upon doing so, the first phase of the Clean Water Project, established under the LTCP and the 2012 LTCP is concluded as to the de-authorized projects. The Integrated Plan Implementation Phase I Project List and Timeline from Appendix A, shall serve as the list of projects to be completed that are necessary for the District to be deemed compliant with this Consent Order through 2029.

At a meeting of the Bureau of Public Works meeting held on August 22, 2022, it was:

VOTED: That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED: That the Chief Executive Officer of The Metropolitan District, Scott W. Jellison, on behalf of the District, hereby is authorized, empowered and directed to enter into Consent Order #COWRMU22002 with the State of Connecticut Department of Energy & Environmental Protection.

Respectfully submitted,



Scott W. Jellison
Chief Executive Officer

STATE OF CONNECTICUT

V.

THE METROPOLITAN DISTRICT

CONSENT ORDER

A. With the agreement of The Metropolitan District, the Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:

1. The Metropolitan District (“Respondent”) owns and operates a sanitary sewerage system, including a sewage treatment facility known as the Hartford Water Pollution Control Facility (“HWPCF”), and discharges treated sanitary sewage under the terms and conditions of NPDES Wastewater Discharge Permit No CT0100251.
2. The Respondent maintains a sewerage system, which includes sewers that convey both stormwater and sanitary sewage (“combined sewers”). During increased flow conditions associated with wet weather events, such combined sewers discharge untreated sewage to the waters of the state at certain locations (“combined sewer overflows”). Currently, the respondent has thirty-eight active combined sewer overflow locations within their collection system that discharge combined sewage at various volumes and times depending on the storm location and severity.
3. The State of Connecticut has published the *Combined Sewer Overflow Strategy, May 1990* as a guidance document for the development of combined sewer overflow control strategies.
4. The United States Environmental Protection Agency (“EPA”) has published the *Combined Sewer Overflow Control Policy, April 1994* (“CSO Control Policy”) which requires compliance with the implementation of the “Nine Minimum Controls” and development of a “Long-Term Combined Sewer Overflow Control Plan”.
5. On July 7, 1994, the Respondent entered into Consent Order No. WC 5143 to address combined sewer overflows into Folly Brook and Wethersfield Cove.
6. On May 13, 1998, the Respondent entered into Consent Order No. WC 5248 to address combined sewer overflows into Folly Brook and Wethersfield Cove and the installation of a system-wide overflow alarm program.

7. On January 15, 2002, the Respondent, along with the City of Hartford, entered into Consent Order No. WC 5317 to address discharges of storm water and surface water from Tower Brook into the Respondent's sewer system.
8. On December 28, 1994, the Respondent submitted to the Commissioner the report entitled *Nine Minimum Control Measures Status Report for the Metropolitan District Commission, Hartford, CT Docket No. 94-308-038*.
9. On April 20, 1999, the Respondent submitted to the Commissioner the report entitled *Combined Sewer Overflow (CSO) Abatement Long Term Facilities Plan, Phase II, Long-Term CSO Control Plan and Water Quality Monitoring Program (WQMP)* dated May 1998 by Malcolm Pirnie, Inc.
10. On April 30, 1999, the Respondent submitted to the Commissioner the report entitled *Combined Sewer Overflow Abatement Long-Term Facilities Plan, Phase II Solids and Floatables Abatement Plan* prepared by Malcolm Pirnie, Inc.
11. On November 8, 1999, the Respondent submitted to the Commissioner the report entitled *Combined Sewer Overflow Warning System, CSO Communications Plan* prepared by Malcolm Pirnie, Inc.
12. On April 2, 2002, the Commissioner found that the Respondent's "Long-Term Combined Sewer Overflow Control Plan" did not adequately address water quality standards and did not fully address all of the Nine Minimum Controls.
13. On October 2, 2002, the Respondent entered into Consent Order WC 5365 requiring the Respondent to revise the "Long-Term Combined Sewer Overflow Control Plan" to comply with the EPA's 1994 and 2002 CSO Control Policy, which have been incorporated into the Federal Clean Water Acts of 1972, as amended.
14. On December 30, 2004, the Respondent submitted to the Commissioner a revised report entitled *Long-Term CSO Control Plan (LTCP)*, prepared by Camp, Dresser & McKee, which further addressed meeting the requirements of the CSO Control Policy and water quality standards.
15. On November 7, 2006, the Respondent entered into Consent Order No. WC 5434 to implement actions to abate overflows from both the sanitary and combined sewers throughout the District.
16. As required by Consent Order No. WC 5434, on December 28, 2012, the Respondent submitted to the Commissioner a report entitled *Long-Term Combined Sewer Overflow Control Plan 2012 Update* prepared by CDM Smith, and dated December 28, 2012, revised on August 28, 2014 and December 4, 2014 (2012 LTCP). This

report is a LTCP Update which further addressed meeting the requirements of the CSO Control Policy and water quality standards.

17. In 2012, EPA developed an integrated planning framework that offered a voluntary opportunity for a municipality, such as the Respondent, to develop an integrated plan to meet multiple Clean Water Act (CWA) requirements. On January 14, 2019, the Water Infrastructure and Improvement Act (WIIA) (H.R. 7279) became law. WIIA added a new Section 402(s) to the CWA to amend the CWA to include the 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework.
18. As required by Minor Consent Order Modification No. 2 dated May 2, 2017 to Consent Order No. WC 5434, on December 28, 2018, the Respondent submitted to the Commissioner a report entitled *Integrated Plan and Long-Term Control Plan*, prepared by CDM Smith and dated December 2018 (2018 IP/LTCP). This report was developed pursuant to the federal Water Infrastructure Improvement Act of 2018 to satisfy the requirements set forth in the Modified Consent Order and identified the next iteration of the actions with associated timelines for meeting the requirements of the CSO Control Policy and water quality standards.
19. The 2018 IP/LTCP constitutes a new program and approach to achieving the requirements of the CSO Control Policy and water quality standards, and as such the Respondent is hereby authorized to de-authorize any outstanding projects and any outstanding bonds authorized to complete the projects delineated in the LTCP and the 2012 LTCP. Upon doing so, the first phase of the Clean Water Project established under the LTCP and the 2012 LTCP, is concluded. The *Integrated Plan Implementation Phase I Project List and Timeline*, attached hereto as Appendix A, shall serve as the list of projects to be completed that are necessary for the Respondent to be deemed compliant with this Consent Order through 2029, as may be modified or amended pursuant to the procedure set forth below in paragraph B. 31.
20. DEEP requested a summary update to the 2018 IP/LTCP submitted pursuant to paragraph A.18. above. On May 14, 2020, the Respondent submitted to the Commissioner a report entitled *2018 Integrated Long-Term CSO Control Plan Summary* prepared by CDM Smith and dated May 2020.
21. As requested by DEEP, on February 1, 2021, the Respondent submitted to the Commissioner a report entitled *Integrated Plan Implementation Phase I (2021 through 2028) and Future Phases* prepared by CDM Smith and dated January 29, 2021 ("Integrated Plan Implementation Phase I"). This report outlines identifies CSO projects, their priority based on water quality, cost, and engineering factors, and associated sequencing of projects for the period from 2021 to 2029, inclusive.

22. By virtue of A.1 and A.2, the Respondent is causing pollution of the waters of the state and is maintaining facilities or conditions that can reasonably be expected to create a source of pollution to the waters of the state.

B. The Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-427, §22a-428, §22a-430, and §22a-431 of the Connecticut General Statutes, orders the Respondent as follows:

1. The Respondent shall:

- a. Implement the 2018 IP/LTCP, including the specific actions outlined in the Integrated Plan Implementation Phase I, with the overarching goals of:
 - i. achieving a 1-year storm level of CSO control for CSO Regulators where and as identified in Tables 1 and 2 in Appendix B of this consent order.
 - ii. eliminating CSOs tributary to Wethersfield Cove, including CSOs to Folly Brook, by completing tunnel projects, no later than December 31, 2029,
 - iii. eliminating CSO Discharges to the North Branch of the Park River, by completing conveyance improvements, sewer separations, and infiltration and inflow reduction projects, no later than December 31, 2043,

Steady progress towards completion shall be made equally in each of the action(s) identified in sections B.1.a.(i) to (iv), inclusive within the required time period; however, a delay for just cause in any of such actions shall not be justification for delay in other required action.

- b. Continue to demonstrate a means, in accordance with the Respondent's Charter, to authorize funding necessary to implement the 2018 IP/LTCP and the Integrated Plan Implementation Phase I, including but not limited to actions necessary to meet the goals identified in section B.1.a above. The means by which the Respondent funds required subsequent authorizations shall be demonstrated at least one year prior to the need for additional funding until the full authorization level to fully implement the 2018 IP/LTCP, including the Integrated Plan Implementation Phase I, has been achieved.

2. The Respondent shall initiate engineering and related construction contracts to implement the Integrated Plan Implementation Phase I at a minimum average annual expenditure rate which is consistent with the Respondent's affordability analysis and project schedule set forth in Integrated Plan Implementation Phase I of a minimum spending rate of \$40M per year, inclusive of any contracts required to comply with the Respondent's USEPA and USDOJ Consent Decree and to remove nitrogen at the Respondent's wastewater treatment facilities.

Nothing in this consent order shall preclude the Commissioner from requiring an increase in the Respondent's \$40M minimum average annual expenditure rate, as

necessary to implement future engineering and construction contracts to complete all actions necessary to abate CSOs within the service area, upon a finding of changes in affordability as indicated in future integrated plan and/or long-term CSO control plan updates. Furthermore, for future Integrated Plan phases, the Commissioner anticipates annual expenditure rates will increase with the specific rate to be identified in the Long-Term CSO Control Plan Update required by section B.16 of this consent order and as determined by an updated affordability analysis pursuant to EPA's "1997 Combined Sewer Overflows - Guidance for Financial Capacity Assessment and Schedule Development", as amended and/or superseded.

3. The Respondent shall retain one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with and the Commissioner acknowledges that CDM Smith Inc. as identified by the Respondent, may prepare documents and oversee the actions required by this consent order for the Integrated Plan Implementation Phase I. Within ten days after retaining any consultants(s) other than the one originally identified under this paragraph, the Respondent shall notify the Commissioner in writing of the identity of such other consultant(s). The consultant(s) retained shall be qualified professional engineers licensed to practice in Connecticut and shall be acceptable to the Commissioner. The Respondent shall submit to the Commissioner a description of the consultant's education, experience and training which is relevant to the work required by this consent order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
4. Commencing on April 1, 2023 and until full compliance with this consent order has been achieved, the Respondent shall conduct public information and outreach as follows:
 - A. Post on its website an annual update/report, which tracks the status of each implementation plan action in Phase 1, as identified in the Integrated Plan Implementation Phase I, in a format different than the required annual reports submitted to the Commissioner in accordance with paragraph B.18 of this consent order. Such update/report shall:
 - a. Consist of a user-friendly presentation of information in non-technical, layman's terms (with a general public audience in mind) regarding progress on Integrated Plan Implementation Phase 1;
 - b. For Phase 1, clearly identify which specific actions/projects are to be implemented in each calendar year and the associated timeframe for completion; and discussion of funding sources for future implementation actions, and

- c. Commencing on April 1, 2024, include an annual summary of projects completed in the previous calendar year, identification of compliance with completion deadlines, or if a deadline is missed, identification of the cause(s), and an alternate proposed deadline. This posting does not relieve the Respondent of the requirement of notification to the Commissioner as outlined in paragraph B.16. of this consent order.
 - d. Include updates and estimates for incremental achievements in CSO reductions.
- B. Conduct an annual meeting outside of typical business hours (8:00 am to 5:00 pm) for the general public which presents the annual update/ report required by paragraph B.4.A. of this consent order and includes a question/answer component. The required annual update/ report required by paragraph B.4.A. of this consent order and notice of the date and time of the annual meeting shall be posted on Respondent's website at least 30 days prior to such annual meeting.
- C. Include Respondent's consumer advocate in the review of each annual update/ report required by paragraph B.4.a of this consent order and his/her attendance at each annual meeting required by paragraph B.4.B. of this consent order.
- 5. On or before December 31, 2022, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: Current CIP Sewer Rehab (Park River and South Meadows Area), Current CIP Sewer Rehab (Bloomfield and North Branch Park River), and Current CIP Sewer Rehab (Gully Brook area).
- 6. On or before December 31, 2023, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: I-4 (N-30) Improvements and North Branch Park River Drainage Study.
- 7. On or before December 31, 2024, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: Cemetery Brook Area Large Diameter Rehab and Replacement/rehabilitation of existing collection system gates at SM-2.
- 8. On or before December 31, 2025, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: 18" to 21" brick rehabilitation in Park River and South Meadows area and West Hartford SSES implementation Contract 2012-59.

9. On or before December 31, 2026, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of the consent order: Farmington and Homestead Avenue Area Large Diameter Rehab; Farmington and Homestead Avenue Area Large Diameter Rehab; and South Hartford Conveyance and Storage Tunnel (SHCST) Contracts 2, 3, and 5. Milestones reached by December 31, 2026, shall include eliminating structural SSOs CTS-2, CTS-3 and NTS, and controlling South Branch Park River CSOs S-19, S-21, S-23, S-24, S-25, S-26, S-27, S-28, S-29, and S-30 to a 1- year storm.
10. On or before December 31, 2028, the following project be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of the consent order: South Hartford Conveyance and Storage Tunnel (SHCST) Contract 4, whether constructed wholly or as a sum of its parts in multiple Contracts. Milestone reached by December 31, 2028 include the elimination of Franklin Avenue Area CSOs to the Wethersfield Cove.
11. On or before December 31, 2029, the Respondent shall have completed construction of all recommended improvements of the Integrated Plan Implementation Phase I, as described in Appendix A, Table 1 of this consent order, and as may be modified by a Long-Term Control Plan Update as described in paragraph B.15.
12. On or before January 1 of each year subsequent to the issuance of this consent order, the Respondent shall submit a list of specific construction contracts for the next two consecutive calendar years for the Commissioner's review. The "Two Year Bid Schedule" shall list: the specific CSO related improvement, estimated costs, reasons for scheduling as proposed, specified construction contract bid dates, proposed construction completion dated. The "Two Year Bid Schedule" shall be based upon the general Integrated Plan Implementation Phase I outlined and amended with updated ending dates in Appendix A, Table 1 of this consent order, and as may be amended by the Long-Term Control Plan Update as described in paragraph B.15.
13. No less than 90-days prior to the respective bid dates, as specified in the "Two Year Bid Schedule" submitted pursuant to Paragraph B.12 above, for all CSO related construction contracts that comprise the Integrated Plan Implementation Phase I, the Respondent shall submit final

design documents to the Commissioner for final review and written approval. At a minimum, the final design documents shall contain:

- A. Plans, technical specifications and contract documents which describe the proposed contracts, noting any significant changes from the 30 percent design submitted.
 - B. Demonstration of formal submittal of application(s) as required for all state and local permit approvals and related documents for respective project.
14. Within one year following every contract's substantial completion date, the Respondent shall submit final record drawings in an electronic format of completed works to the Commissioner to document formal compliance with this consent order.
15. Long-Term Control Plan Update. By December 31, 2027, the Respondent shall submit, for the Commissioner's review and approval, a Long-Term CSO Control Plan Update to demonstrate the Respondent's progress to date along with a proposed plan for the next phase of Integrated Plan Implementation for meeting 1-year storm level of CSO control as defined in Appendix B, Table 2 of this consent order -until such CSO control has been achieved. The Respondent shall make appropriate revision to such Long-Term CSO Control Plan Update to address comments made by the Commissioner as necessary to obtain DEEP approval. Each Long-Term CSO Control Plan Update shall at a minimum comply with the following:
- A. The Long-Term CSO Control Plan Update shall be a stand-alone document that builds upon its predecessor.
 - B. Consistent with the requirements of paragraph B.4. of this consent order, the Long-Term CSO Control Plan Update shall include a public information process and provide an opportunity for receiving and responding to public comment.
 - C. The Long-Term CSO Control Plan Update shall demonstrate, to the Commissioner's satisfaction, the Respondent's plans for achieving a 1-year, level of CSO control (as defined in Appendix B and C) by the earliest feasible date, but no later than December 2059.
 - D. The Long Term CSO Control Plan Update shall include a new five-year CSO abatement construction schedule which shall be incorporated as an amendment to this consent order or into a subsequent consent order upon adoption by DEEP.
16. Any proposed modification of the activities specified in this consent order and the schedule of completion shall be submitted for review and approval, by the Commissioner as an amendment to this consent order and shall be accompanied by final conceptual design documents and affordability analyses to be supplied by the Respondent.

17. Progress Reports. On or before the last day of January of each year after the date of issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
18. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
19. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 60 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.
20. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
21. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
22. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by

Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

23. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
24. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
25. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
26. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
27. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.

28. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
29. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
30. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
31. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by email the individual identified in Paragraph B.34 paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
32. Noncompliance. Failure to comply with this order may subject the Respondent to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
33. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Ann Straut, Sanitary Engineer 3
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Water Planning and Management Division
79 Elm Street

Hartford, Connecticut 06106-5127
ann.straut@ct.gov

The Metropolitan District consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind The Metropolitan District to the terms and conditions of the consent order.

The Metropolitan District

BY: _____
Scott W. Jellison
Chief Executive Officer

Date

Issued as a final order of the Commissioner of Energy and Environmental Protection that shall supersede Consent Order WC5434.

Graham J. Stevens
Bureau Chief, WPLR or new Dep Comm

Date

ORDER NO. COWRMU22002

APPENDIX A

TABLE 1: *Integrated Plan Implementation Phase I Project List and Timeline*

Area	CWP/IP Project	Description	Proposed Completion Date
North Branch Park River	Current CIP Sewer Rehab (in Bloomfield and North Branch Park River Area)	15,000 total feet of rehabilitation in Bloomfield and Hartford	2022
North Branch Park River	North Branch Park River Drainage Study	Drainage study of the North Branch Park River	2023
North Branch Park River	I-4 (N-30) improvements	Rehabilitation of N-30 sewer	2023
North Branch Park River	NNBI Improvements	NNBI Replacement Pipe and N-22 regulator improvements (eliminating N-9 and N-10)	2027
North Branch Park River	Granby 7 Sewer Separation	Sewer Separation including sewer rehabilitation	2028
North Branch Park River	Bloomfield Styrene Rehab	Rehabilitation of 14,000 feet of sewers in Bloomfield	2029
North Branch Park River	Granby 8 Sewer Separation (design only)	Sewer separation, including sewer rehabilitation	2029
North Branch Park River	Granby 9 Sewer Separation (design only)	Sewer separation, including sewer rehabilitation	2029
North Branch Park River	HAI Improvements (design only)	Replacement of 4,600ft of Homestead Avenue Interceptor (HAI) (achieving 2-year level of control at N-4)	2029
Gully Brook	Current CIP Sewer Rehab (in Gully Brook area)	15,000 total feet of rehabilitation in the Gully Brook Area of Hartford	2022
Gully Brook	Gully Brook Interceptor Area Large Diameter Rehab (part I)	13,500LF of rehabilitation targeting the Gully Brook Interceptor	2029

Gully Brook	Gully Brook Interceptor Area Large Diameter Rehab (part II)	13,500LF of rehabilitation targeting the Gully Brook Interceptor	2029
North Meadows	Tower Avenue Area Sewer Rehabilitation	Rehabilitation of Tower Ave sewershed	2028
Farmington and Park Street	N-12 Sewer Separation and CMOM	Sewer separation including sewer rehabilitation	2029
South Branch Park River	South Hartford Conveyance and Storage tunnel (SHCST) Contracts 2, 3 and 5	Completion of the SHCST Contracts 2, 3 and 5 to control South Branch Park River CSO's S-19 through S-30 to 1-year storm and eliminate structural SSOs CTS-2, CTS-3 and NTS	2026
South Branch Park River	Cemetery Brook Area Large Diameter Rehab	7,000 LF of rehabilitation targeting the Cemetery Brook Sewer Area	2025
South Branch Park River	Kane Brook (S-8 and S-13)	Sanitary sewer improvements for S-8 and S-13	2027
Franklin Avenue	South Hartford Conveyance and Storage Tunnel (SHCST) Contract 4	Completion of the SHCST Contract 4 (eliminate Franklin Ave CSOs to the Wethersfield Cove; F-26, F-27, F-28, F-29, F-30, F-32, and F-33)	2029
Park River and South Meadows	Current CIP Sewer Rehab (in Park River and South Meadows area)	29,000 total feet of rehabilitation in Bloomfield and Hartford	2022
Park River & South Meadows	Farmington and Homestead Ave area Large Diameter Rehab	7,000 LF of rehabilitation targeting the Farmington/Homestead Avenue Area	2026
Park River & South Meadows	18-in to 21-in brick rehab	52,000 LF of rehabilitation targeting 18 to 21 inch brick sewers in Hartford	2025
Park River & South Meadows	West Hartford SSES implementation contract 2012-59	56,000 LF of SSES recommendations in West Hartford	2025

Park River & South Meadows	SM-2 Improvements	Replacement/rehabilitation of existing collection system gates and SM-2	2024
----------------------------	-------------------	-------------------------------------------------------------------------	------

TABLE 2: Summary Highlights of Phase I (2021 through 2029)

- Reduction of 97MG of CSOs in a typical year by 2029 (490MG to 393MG)
- 50% reduction of CSO regulators to North Branch Park River by 2027
- 13 CSO/SSO regulators eliminated.
- 17 CSO regulators obtaining 1-year level of control
- 340,000 linear feet of sewers rehabilitated

APPENDIX B

Table 1: Regulator Level of Control Summary

O Regulator	Level of Control	CSO Regulator	Level of Control	CSO Regulator	Level of Control	CSO Regulator	Level of Control
F-26	Elimination	N-2	Elimination	NM-14	1-year storm	P-29	1-year storm
F-27	Elimination	N-4	Elimination	P-1	1-year storm	S-3	1-year storm
F-28	Elimination	N-9	Elimination	P-2	1-year storm	S-8	1-year storm
F-29	Elimination	N-10	Elimination	P-3	1-year storm	S-10	1-year storm
F-30	Elimination	N-12	1-year storm	P-4	1-year storm	S-12	1-year storm
F-32	Elimination	N-14	1-year storm	P-5	1-year storm	S-13	1-year storm
F-33	Elimination	N-22	1-year storm	P-9	1-year storm	S-14	1-year storm
G-2	1-year storm	N-23	1-year storm	P-10	1-year storm	S-15	1-year storm
G-8	1-year storm	N-24	1-year storm	P-11A	1-year storm	S-16	1-year storm
G-9	1-year storm	N-25	1-year storm	P-12	1-year storm	S-19	1-year storm
G-10	1-year storm	N-28A	1-year storm	P-13	1-year storm	S-21	1-year storm
G-11	1-year storm	N-28B	1-year storm	P-14	1-year storm	S-23	1-year storm
G-12	1-year storm	N-29	1-year storm	P-15	1-year storm	S-24	1-year storm
G-13E	1-year storm	N-30	1-year storm	P-15A	1-year storm	S-25	1-year storm
G-13W	1-year storm	NM-2	1-year storm	P-16	1-year storm	S-26	1-year storm
G-15	1-year storm	NM-3	1-year storm	P-16A	1-year storm	S-27	1-year storm
G-17A	1-year storm	NM-4	1-year storm	P-18	1-year storm	S-28	1-year storm
G-17B	1-year storm	NM-5	1-year storm	P-19	1-year storm	S-29	1-year storm
G-19	1-year storm	NM-6	1-year storm	P-23	1-year storm	S-30	1-year storm
G-21	1-year storm	NM-7	1-year storm	P-24	1-year storm	SM-2	1-year storm
G-23	1-year storm	NM-10	1-year storm	P-26	1-year storm		

Table 2: 1-year storm Level of Control¹ for precipitation events, based on duration and quantity

Duration	Depth (inches)
15-minute	0.56
30-minute	0.75
1-hour	0.94
2-hour	1.22
3-hour	1.40
6-hour	1.75
12-hour	2.12
1-day	2.47
2-day	2.80
3-day	3.04
4-day	3.26
7-day	3.84
10-day	4.43

¹ Respondent shall prevent CSOs from occurring from precipitation events less than or equal to the depths identified in Table 2

**PERSONNEL, PENSION & INSURANCE COMMITTEE
AMENDMENT TO CLASSIFICATION SYSTEM
CONSTRUCTION AND UTILITY SERVICES SUPERVISOR (LOCAL 1026)**

To: District Board

September 7, 2022

From: Personnel, Pension and Insurance Committee

Staff is recommending that the Job Specification be amended for the *Construction and Utility Services Supervisor* (SS06) to incorporate additional job functions which currently fall under the Survey Chief of Party (SS04) job classification.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. This multi-tasking job description also eliminates the need for the individual job specification for Survey Chief of Party. There is no change to the current pay range of Construction and Utility Services Supervisor (SS06) range of \$99,037.80-\$118,857.49)

**Code: 08006
Employee Group: Local 1026
FLSA Status: Non-Exempt**

**METROPOLITAN DISTRICT COMMISSION
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: CONSTRUCTION AND UTILITY SERVICES
SUPERVISOR**

JOB SUMMARY

This is very responsible construction engineering supervision work involving the guidance, training, correction, direction and coordination of construction and utility services inspectors working on complex utility pipeline and building construction projects.

Work involves responsibility for conformance of construction plans with District technical standards, inspection of water, utility pipelines, house connections, **survey** and coordination of CBYD mark outs.

This position also has the responsibility for making very difficult construction inspection technical field decisions. This work requires that the employee have knowledge, skill and ability in construction inspection methods and supervision.

ESSENTIAL FUNCTIONS

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Schedules, assigns, trains, directs and evaluates employees in medium to large construction inspection unit.
- Reviews standard and complex sewer, water and related pipeline and utility service connection plans for conformance with District and technical utility services standards. Identifies problems and determines corrective actions to be taken by developers, contractors and/or engineers.
- Oversees inspection of new and existing utility pipeline and services.
- Oversees house connections, cross connection, CBYD program/Utility Mark out programs.
- Prepares reports, completes forms and compiles information on completed work assignments and employee effort. Analyzes information related to unit effectiveness and efficiency. Assists in the drafting of the unit budget and controlling and accounting for expenditures within fund allocations.
- Trains and counsels employees. Administers Collective Bargaining Agreements. Applies disciplinary action. Assists in employee selection. Assures safe work practices.
- Operates water distribution infrastructure including operating water main and service line valves for the purpose of isolating, pressurizing, or flushing a water main or service and also performs pressure tests, obtains water samples and commissions hydrants.
- Identifies and analyzes opportunities for improving service delivery methods and procedures; identifies and calculates resource needs; coordinates informational reviews and updates with appropriate management staff; and provides guidance and leadership with the implementation of revised, adjusted and/or new work procedures.
- Directs and coordinates the review of work plans for assigned construction inspection services and activities; assigns work activities and projects; monitors and tracks work flow; reviews and evaluates work products, methods, and procedures; meets with staff to provide input to identify and resolve problems.
- Assigns, reviews, monitors and tracks work performed in the field; performs field inspections and approves construction work; reviews and approves inspector diaries, reports, correspondence, memoranda, and recommendations for change orders and progress payments; confers with construction inspectors, engineers, and contractors

regarding contract and plan interpretation, and use and provision of construction materials, or methods. This position ensures compliance with the plans, specifications and internal engineering construction standards. Takes appropriate action to correct or remediate construction issues or concerns.

- Provides staff assistance to higher level management staff; participates as an attendee to a variety of committees; prepares and presents staff reports and other correspondence as appropriate and necessary. Attends and participates in professional group meetings; stay abreast of new trends and innovations in the field on construction inspection.
- Coordinates construction inspection activities with those of other divisions and outside agencies and organizations. Acts as principal liaison between District engineers and contractors.
- Assists in settling disputes arising between contractor and inspector during the performance of the contracts, participates in public meetings and/or hearings, and, addresses and promptly disposes of public complaints.
- Inspects standard and highly complex utility pipeline and building mechanical systems construction. Instructs contractors in construction practices and in correcting construction errors. Enforces inspection decisions. Oversees contractor pressure tests of water, sewer and force main pipelines.
- Maintains detailed records of inspection activities. Compiles and prepares reports.
- May supervise a survey crew to survey property lines, topography, construction layout and completed pipeline projects.
- Performs other related duties as required.

SUPERVISION RECEIVED

Works under the general supervision of the Manager of Construction Services or Manager of Command Center.

MINIMUM QUALIFICATIONS

Associate's degree in engineering technology or related field; supplemented by minimum of five (5) years of senior level construction inspection including surveying experience, involving large scale and complex construction projects and at least one (1) year of lead or supervisory experience; or an equivalent combination of education and qualifying experience on a year-for-year basis.

SPECIAL REQUIREMENTS

Must have a valid driver's license.

State of Connecticut Land Surveying License preferred

KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of construction inspection principles and practices.
- Knowledge of land surveying principles and practices. Considerable ability to operate all survey instruments and to survey land and completed construction..
- Ability to inspect utility and building mechanical trades construction safely, effectively and efficiently and with firmness and tact.
- Ability in mathematics as applied to surveying and related operations, and in computers and supporting word processing and spreadsheet applications.
- Ability to establish and maintain effective working relationships with coworkers, contractors, consultants, and the general public. Ability in oral and written communications.
- Knowledge and ability in operational characteristics, services, and activities of a comprehensive construction inspection program including maintaining construction records and to prepare inspection reports.
- Knowledge in modern and complex principles and practices of construction inspection for public works construction.
- Knowledge of OSHA regulations and construction safety precautions pertaining to the work.
- Knowledge in principles of supervision, training, and performance evaluation. Supervise and coordinate construction inspection services. Interpret and explain District construction inspection policies and procedures.
- Read and interpret plans, specifications, maps, drawings, contracts and work orders. Communicate clearly and concisely, both orally and in writing.
- Knowledge of MDC policies and procedures.

ADA COMPLIANCE

Physical Ability: Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation.

Sensory Requirements: Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Tasks are regularly performed without exposure to adverse environmental conditions.

The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

At a meeting of the Personnel, Pension & Insurance Committee held on August 10, 2022, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the Job Specification for *Construction and Utility Services Supervisor* (SS06) position be adopted as updated (copy of job specification attached) and the current Job Specification for *Survey Chief of Party* (SS04) will be eliminated.

Respectfully Submitted,

A handwritten signature in black ink that reads "John Mirtle". The signature is written in a cursive, flowing style.

John S. Mirtle, Esq.
District Clerk

**PERSONNEL, PENSION & INSURANCE COMMITTEE
AMENDMENT TO CLASSIFICATION SYSTEM
ASSISTANT UTILITY MAINTENANCE SUPERINTENDENT (LOCAL 1026)**

To: District Board

September 7, 2022

From: Personnel, Pension and Insurance Committee

Staff is recommending that the Job Specifications be amended for the Assistant Utility Maintenance Superintendent (SS09) to incorporate Command Center responsibilities, specifically those that currently fall within the Command Center Assistant Superintendent (SS08) job classification. This action is in line with District initiatives to support multi-tasking, specifically between Operations and the Command Center and this amendment is in line with the entire UM series of positions.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. This multi-tasking job description also eliminates the need for the individual job specification for Command Center Assistant Superintendent (SS08) which can therefore be eliminated. There is no change to the current salary grade of Assistant Utility Maintenance Superintendent SS09 (\$114,753.60-\$137,716.80).

METROPOLITAN DISTRICT COMMISSION CLASSIFICATION DESCRIPTION

CLASSIFICATION TITLE: ASSISTANT UTILITY MAINTENANCE SUPERINTENDENT

JOB SUMMARY

This is highly responsible supervisory position involving the supervision and oversight of utility pipeline repair and maintenance, utility services and command center functions, including staffing, operations and emergency responses and repair and maintenance of utility pipelines and related facilities. ~~supervisory work responsible for workforce management for the repair, construction and maintenance of water and sewer pipeline systems.~~

Work involves responsibility for safe, effective and timely repair, installation and maintenance of water and sewer pipeline systems and providing direction to emergency water and sewer operations, cross connection/backflow inspection operations, Call Before You Dig responses, customer water and sewer inspections and inquiries, construction plan review and permitting, records management, insurance claims response and resolution, and backwater valve and sewer discharge programs and other required customer compliance and assistance programs. Duties include assisting in the direction of heavy equipment and pipeline construction crew operations, assisting with the planning and laying out of projects with engineers, making in-field mark-outs, researching record plans, maintaining paper and digital records -assisting in the direction of repair and maintenance of pipelines, meters, valves, gates, and sewers. Coordinates emergency response of MDC crews and resources. This position also has the responsibility for making difficult pipeline technical and operational decisions. ~~This work requires that the employee have knowledge, skill and ability in utility pipeline repair and maintenance supervision~~

ESSENTIAL FUNCTIONS

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Assists in planning and directing work objectives and activities of a medium size work division in repairing and constructing water and sewer pipeline systems. Monitors unit or work group activities and recommends correction.
- Assists in planning and directing work objectives and activities in the daily maintenance and operation of the sanitary and storm collection system, meters, water valves, gates, manholes, hydrants, combined sewer overflow sites and closed-circuit inspection services. Monitors unit or work group activities and recommends correction.
- Gathers and analyzes information and prepares reports and draft recommendations. Reviews completed forms.
- Coordinates division operations with other District functions and government agencies. Coordinates unit operations and the personnel, materials and equipment necessary for projects and objectives. Schedules snow plowing operations, as necessary.

- Assists in drafting division budgets and in reviewing unit budgets. Reviews unit expenditures and recommends approval.
- ~~Counsels employees and supervises and S~~supplements employee training ~~and counseling~~. Administers union contract language and oral warnings, and researches and recommends higher level discipline. Reviews employee performance evaluation and reclassification requests and makes recommendations. Assists in employee selection. Assures safe work practices.
- Coordinates unit operations and the personnel, materials and equipment necessary for projects and objectives. Coordinates task and project emergencies with government agencies.
- Oversees and supervises all general and elevated communications between federal, state and local agencies and ensure that all federal, state, local and MDC regulations and policies are followed.
- Coordinates work crews and resources for emergency and non-emergency calls.
- Responsible for management of work requests, planning, scheduling, execution and completion of work orders. Responsibility includes prioritizing backlog, work order completion verification with required documentation and follow-on work requirements.
- Responds to major water and sewer emergencies and related problems at any time of day or night, as necessary.
- ~~Schedules traffic direction service by policy and notifies utilities to mark out underground utilities prior to excavation.~~
- Performs related work as required.

SUPERVISION RECEIVED

Works under the general supervision of the Utility Maintenance Superintendent.

MINIMUM QUALIFICATIONS

A high school diploma or the equivalent plus eight (8) years of progressively responsible administrative -utility pipeline repair or construction experience including at least four (4) ~~years at the level of Supervisor or higher of supervisory experience~~, or an equivalent combination of education and qualifying experience substituting on a year-for-year basis.

SPECIAL REQUIREMENTS

Must have a valid driver's license. Must have, or obtain within one (1) year of hire, a CT Class III Operator Water Distribution System Certificate

KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of water and sewer pipeline system construction and repair supervision principles and practices.
- Knowledge of MDC policies and procedures.
- Knowledge of public administration principles and practices as applied to the operation of facilities or programs.
- Knowledge of budget preparation.
- Knowledge of water distribution, sewer collection, and flood control systems.
- Knowledge of federal, state and local compliance regulations.
- Knowledge of the SCADA system and Geographical Information Systems (GIS) and supporting District tools.
 -
- Ability to operate computers, software and systems and other standard office equipment required for performing essential functions.
- Ability to communicate orally and in writing and to coordinate operational and administrative activities or to lead others in a work unit or group.
- Ability to administer policies and procedures including planning, scheduling, budgeting routine, decision-making, and report development and writing.
- Ability to monitor the work of work groups and to supervise a selected work unit.
- Ability to establish and maintain effective working relationships with coworkers, vendors, contractors, customers, and the general public.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

Sensory Requirements: Some tasks require the ability to perceive and discriminate: (i) visual and/or auditory cues or signals; and/or (ii) odors. Some tasks require the ability to communicate orally and in writing.

Environmental Factors: Essential functions are performed primarily indoors with minimal exposure to outdoor environmental factors.

The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

At a meeting of the Personnel, Pension & Insurance Committee held on August 10, 2022, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the Job Specification for *Assistant Utility Maintenance Superintendent* (copy of job specification attached) be amended to include Command Center functions and the current Job Specification for *Command Center Assistant Superintendent (SS08)* will be eliminated.

Respectfully Submitted,

A handwritten signature in black ink, reading "John Mirtle". The signature is written in a cursive, slightly slanted style.

John S. Mirtle, Esq.
District Clerk

**PERSONNEL, PENSION & INSURANCE COMMITTEE
AMENDMENT TO CLASSIFICATION SYSTEM
UTILITY MAINTENANCE SUPERINTENDENT (LOCAL 1026)**

To: District Board

September 7, 2022

From: Personnel, Pension and Insurance Committee

Staff is recommending that the Job Specification for the *Utility Maintenance Superintendent* classification from SS10 be amended to incorporate additional job functions which currently fall under the Command Center Superintendent (SS10) job classification. This action is in line with District initiatives to support multi-tasking, specifically between Operations and the Command Center and this amendment is in line with the entire UM series of positions.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. This multi-tasking job description also eliminates the need for the individual job specifications of *Command Center Superintendent* (SS10). There is no change to the current salary grade of *Utility Maintenance Superintendent* SS10 (range of \$120,390.40-\$144,497.60).

**METROPOLITAN DISTRICT COMMISSION
CLASSIFICATION DESCRIPTION**

CLASSIFICATION TITLE:	UTILITY MAINTENANCE SUPERINTENDENT
------------------------------	-------------------------------------------

JOB SUMMARY

This is the most responsible supervisory ~~position work in the operations department~~ involving the supervision and oversight direction of utility pipeline maintenance-construction and repair, utility services and command center functions, including staffing operations, emergency response and repair and maintenance of utility pipelines and related facilities ~~and the direction of meter and emergency maintenance operations.~~

Work involves responsibility for safe, effective and timely repair, installation and maintenance of water and sewer pipeline systems, providing direction to emergency water and sewer operations, cross connection/backflow inspection operations, Call Before You Dig responses, customer water and sewer inspections and inquiries, construction plan review and permitting, records management, insurance claims response and resolution, the backwater valve and sewer discharge programs and other required customer compliance and assistance programs. Duties include directing heavy equipment and pipeline construction crew operations, planning and laying out projects with engineers, making in-field mark-outs, researching record plans, maintaining paper and digital records, directing repairs and maintenance of pipelines, meters, valves, gates, and sewers. This position also has the responsibility for making very difficult pipeline technical and operational decisions. ~~This work requires that the employee have knowledge, skill and ability in utility pipeline repair and maintenance supervision.~~

ESSENTIAL FUNCTIONS

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Responsible for workforce management, planning, and direction of a division in repairing and constructing water and sewer pipeline systems. Provides day-to-day employee managerial responsibilities.
- Plans and directs work objectives and activities for a large work unit in the daily maintenance and operation of the sanitary and storm collection system, meters, water valves, gates, manholes, hydrants, combined sewer overflow sites and closed-circuit inspection services.
- ~~Gathers and analyzes information, Determines recommendations and, prepares reports. Determines operating procedures and recommends operating policies.~~
- Plans, directs and supervises command center operations, including staffing, alarm responses and emergency and non-emergency water and sewer operations.
- Coordinates division operations with other District functions and government agencies. Coordinates unit operations and the personnel, materials and equipment necessary for projects and objectives.
- Develops division budgets and reviews unit budgets. Approves unit expenditures within fund allocations

- Develops division budgets and reviews unit budgets. Approves unit expenditures within fund allocations.
- Counsels employees and supervises training. Administers union contract language, oral and, written warnings and suspensions. Recommends higher level discipline. Interviews job candidates and recommends selection. Reviews employee performance evaluation and reclassification requests and makes recommendations. Assures safe work practices.
- Coordinates division operations with other District functions and government agencies. Coordinates unit operations and the personnel, materials and equipment necessary for projects and objectives. Acts as a liaison between customers (state, municipal towns, private contractors, and engineers) and MDC contractors and engineers.
- Oversees and supervises all general and elevated communications between federal, state and local agencies.
- Coordinates work crews and resources for emergency and non-emergency calls.
- Responsible for management of work requests, planning, scheduling, execution and completion of work orders. Responsibility includes prioritizing backlog, work order completion verification with required documentation and follow-on work requirements.
- Responds to major water and sewer emergencies and related problems at any time of day or night, as necessary.
- Performs related work as required.

SUPERVISION RECEIVED

Works under the direction of the Manager of Operations or Manager of Command Center.

MINIMUM QUALIFICATIONS

A high school diploma or the equivalent plus ten (10) years of progressively responsible utility pipeline repair or construction experience including at least six (6) years at the level of Supervisor or higher of supervisory experience, or an equivalent combination of education and qualifying experience substituting on a year-for-year basis.

SPECIAL REQUIREMENTS

Must have a valid driver's license and a CT Class III Operator Water System Distribution Certificate.

KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of water and sewer pipeline system construction, installation, and repair supervision principles and practices. Knowledge of materials and equipment needed to make repairs.
- Knowledge of MDC policies and procedures.
- Knowledge of public administration principles and practices as applied to the operation of facilities or programs.
- Knowledge of budget development.

- Knowledge of water distribution, sewer collection, and flood control systems.
- Knowledge of federal, state and local compliance regulations.
- Knowledge of the SCADA system and Geographical Information Systems (GIS) and supporting District tools.
-
- Ability to communicate orally and to lead others in operational work groups; good writing ability.
- Ability to administer policies and procedures including planning, scheduling, budgeting, decision-making, and report development and writing.
- Ability to supervise the work of large work groups through subordinate supervisors.
- Ability to establish and maintain effective working relationships with coworkers, vendors, contractors, customers, and the general public.
- Ability to operate computers, software and systems and other standard office equipment required for performing essential functions.
- Ability to resolve emergency situations in a proficient, safe, and timely manner.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert light physical effort in a sedentary to light work environment, which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (under 25 pounds).

Sensory Requirements: Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally and in writing.

Environmental Factors: Essential functions are performed primarily indoors with minimal exposure to outdoor environmental factors.

The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

At a meeting of the Personnel, Pension & Insurance Committee held on August 10, 2022, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the Job Specification for *Utility Maintenance Superintendent SS10* (copy of job specification attached) be amended to include Command Center functions and the current Job Specification for *Command Center Superintendent (SS10)* will be eliminated.

Respectfully Submitted,



John S. Mirtle, Esq.
District Clerk

**PERSONNEL, PENSION & INSURANCE COMMITTEE
LOCAL 1026 TENTATIVE AGREEMENTS**

To: District Board

September 7, 2022

From: Personnel, Pension and Insurance Committee

The District reached a tentative contract settlement agreement with Local 1026 on June 30, 2022. The agreement was made subject to the ratification with Local 1026 and the District's governing bodies.

Local 1026 conducted ratification voting and provided notice to the District to confirm that the unit had voted to accept the tentative agreement. Staff and legal counsel recommend that the tentative agreement be approved by this Sub-Committee with the recommendation of approval to the full Board of Commissioners.

The significant items of this agreement include:

As to new employees within the bargaining unit hired after December 31, 2022

- Longevity payments-Employees hired after December 31, 2022 are not eligible for longevity payments.
- Pro-Rata Vacation Payment (10 days)- Employees hired after December 31, 2022 are not eligible for Pro-Rata Vacation Payments at retirement.
(Current employees are paid two weeks of additional vacation time at time of retirement)

Applicable to both existing and/or new employees (after December 31, 2022)

- District will implement a Health Enhancement Plan (HEP) in conjunction with the District's Medical Plan. Health Enhancement Program- helps direct employees and spouses to receive age appropriate preventative wellness care that can help employee/spouse well-being by early detection and prevention.

The Health Enhancement Plan requires enrolled adults to receive age appropriate activities/exams (employee and enrolled spouse).

Both Employee and Spouse are considered compliant by completing age appropriate requirements within the coverage year (i.e. 2023). If Employee and Spouse are both enrolled, both parties must complete the age appropriate exams/activities to be deemed compliant.

If enrolled individual(s) do not complete age appropriate exams/activities within the coverage year (i.e. 2023), they are deemed non-compliant for the following plan year and are subject to a 5% increase to existing premiums. For example, currently employees pay an 18% premium but will pay 23% if they are non-compliant. Non-Compliance means either the Employee and/or Spouse did not receive the age appropriate medical exams/screenings.

Example of some of the age appropriate exams/activities.

PREVENTIVE SCREENINGS	AGE						
	0-5	6-17	18-24	25-29	30-39	40-49	50+
Preventive Visit	1 per year	1 every other year	Every 3 years	Every 3 years	Every 3 years	Every 2 years	Every year
Vision Exam	N/A	N/A	Every 7 years	Every 7 years	Every 7 years	Every 4 years	50-64: Every 3 years 65+: Every 2 years
Dental Cleanings*	N/A	At least 1 per year	At least 1 per year	At least 1 per year	At least 1 per year	At least 1 per year	At least 1 per year
Cholesterol Screening	N/A	N/A	Every 5 years (20+)	Every 5 years	Every 5 years	Every 5 years	Every 5 years
Breast Cancer Screening (Mammogram)	N/A	N/A	N/A	N/A	N/A	1 screening between age 45-49**	As recommended by physician
Cervical Cancer Screening (Pap Smear)	N/A	N/A	Every 3 years (21+)	Every 3 years	Pap smear only every 3 years or Pap and HPV combo screening every 5 years	Pap smear only every 3 years or Pap and HPV combo screening every 5 years	Pap smear only every 3 years or Pap and HPV combo screening every 5 years to age 65
Colorectal Cancer Screening [†]	N/A	N/A	N/A	N/A	N/A	40-44: N/A 45+: Colonoscopy every 10 years, Annual FIT/FOBT to age 75 or Cologuard screening every 3 years	

The HEP is managed by a third party administrators that works with the District insurance carrier. Notifications are sent to enrolled employees and spouses at various times throughout the year to remind them of required activities (identifies which exams are required) and employees/spouses have access to individual portal to track their progress.

- 1% OPEB Premium Share Participation will be eliminated for all employees.
- Elimination of \$6,000 Life Insurance buy-out at retirement
- General Wage Adjustments
 - For year 2023, effective December 31, 2022 - 5%
 - For year 2024, effective December 29, 2023 – 4%

For year 2025, effective December 28, 2024 – 3.5%

For year 2026, effective December 27, 2025 – 3%

- Sick leave -amended contract from monthly accrual to 15-days annually to front loaded 15-days. Pro-rated sick time for new hires.

(Currently the District provides increments of time on a monthly basis for Union employees and annually for E&E employees)

- Sick Leave Payout Upon Termination- formula adjusted to provide a maximum of 100 days paid sick leave (50 days pensionable, 50 days non-pensionable).

(presently the District pays employees up to 60 day of sick leave at retirement- 50 days are pensionable and 10 days are non-pensionable).

Employees upon retirement or death (payable to estate) who have completed at least ten (10) years of service with the District except those discharged, shall on the basis of their wage rate as of the time of separation be paid for fifty percent (50%) of their unused accumulated sick leave to a maximum of one-hundred (100) days (max 50 days pensionable and max 50 days non-pensionable). Substitution of vacation time is not permitted. Not payable upon resignation.

- Eliminate Pro Rata Vacation Payments at retirement – advance vacation payments

(The District currently pays retiring employees, ½ of the following year vacation allotment for retirements before July 1st and the full allotment for retirements July 1st-December 1st)

- Work Clothing/Shoes and Meal Allowances- changed allowance to \$850 annual to consolidate allowances into one payment (clothing, shoes, meals, etc). Payable once per year in February.

(currently the District pays \$425 annually for clothing allowance and meal allowances \$10 per meal based on hours worked. Administratively this process is challenging for the employee and supervisor to track and is administratively burdensome on a weekly pay basis)

- Annual performance appraisals for Local 1026 will be due each July 1st instead of anniversary date.

- Moratorium on Classification Review extended to December 31, 2026
- Vehicle Allowance -remove the additional two dollars (\$2.00) per day for personal vehicle use.

Housekeeping

- Update Discrimination Language of the Collective Bargaining Agreement to be reflective of current regulations.
- Remove the following language from Local 1026 contract:

Employees who are members of the Union as of the date of execution of this agreement will not be required to take oral or written examinations for any vacancy to be filled by posting for a job classification existing as of such date during the time of this agreement, but may elect to do so. All employees will be required to take oral and written examinations for newly credited positions.

- Work Hours- all 1026 employees work 40 hours
(as opposed to having some be 37.5 hours- we do not have any actively employed 1026 employees that work 37.5 hours)
- Update contract with current co-payment structure
(co-payment correction for inpatient and outpatient services- Outpatient listed as 50- s/b100; Inpatient listed as 125 s/b 250)

At a meeting of the Personnel, Pension & Insurance Committee held on August 10, 2022, it was:

VOTED: That the Personnel Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the Board of Commissioners of The Metropolitan District hereby authorizes the Chief Executive Officer to implement the terms of the Tentative Agreement executed with the affiliated bargaining units on June 30, 2022 (copy attached) and execute updated collective bargaining agreement with Local 1026 incorporating the terms of the Tentative Agreement.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**PERSONNEL, PENSION & INSURANCE COMMITTEE
BENEFIT AND CONDITION CHANGES – EXEMPT AND EXCLUDED EMPLOYEES**

To: District Board

September 7, 2022

From: Personnel, Pension and Insurance

SICK LEAVE, STD AND LTD BENEFITS

On July 13, 2015, a resolution was presented and approved unanimously by the Personnel, Pension and Insurance Committee, and the full Board of Commissioners to freeze the Sick Leave Balances for the Exempt and Excluded employees. In addition, employees hired prior to this date would receive the 25% payout of this balance at time of retirement, but employees hired after August 1, 2015 could roll this time from year to year to a maximum of 40 days. In addition to this action, the District established Short-Term and Long-Term Disability programs. These programs proved especially attractive to new employees who have comparatively low time bank balances.

On June 19, 2017, a resolution was presented and approved unanimously by the Personnel, Pension and Insurance Committee, and the full Board of Commissioners to offer a one-time option to employees hired prior to August 1, 2015 to (a) resume the former Sick Leave procedure but at the decreased accrual rate (8 days per year) and without the Short-term Disability program: or (b) continue the present Short-Term Disability Program and to leave their accumulated sick time frozen.

Due to the effects of COVID and an increased need for the use of sick time, and the inability to negotiate this same incentive to union staff, we have observed an inequity in benefits to E&E staff.

Due to this inequity, we are recommending to reinstate the 15 sick days per year to E&E staff and to eliminate the Short-Term and Long-term Disability options.

As to new E&E employees hired after December 31, 2022

(the below proposals are consistent with the Local 1026 proposal identified the tentative agreement)

- Longevity payments-Employees hired after December 31, 2022 are not eligible for longevity payments.
- Pro-Rata Vacation Payment (10 days)- Employees hired after December 31, 2022 are not eligible for Pro-Rata Vacation Payments at retirement.

(Current employees are paid two weeks of additional vacation time at time of retirement)

Applicable to both existing and/or new E&E employees (after December 31, 2022)

(the remaining proposals below are consistent with the Local 1026 proposals identified in the tentative agreement and would be applicable to existing and new E&E employees after 12/31/22)

- Exempt and Excluded employees upon retirement or death (payable to estate) who have completed at least ten (10) years of service with the District except those discharged, shall on the basis of their wage rate as of the time of separation be paid for fifty percent (50%) of their unused accumulated sick leave to a maximum of one-hundred (100) days (max 50 days pensionable and max 50 days non-pensionable). Substitution of vacation time is not permitted. Not payable upon resignation.

(presently the District has a tiered structure related to sick leave payouts for E&E. The District currently pays out up to 60 days of sick leave at retirement for those hired before August 1, 2015 - 50 days are pensionable and 10 days are non-pensionable. For employees hired after August 1, 2015 the District pays out up to 40 days of sick leave which are considered pensionable).

- Longevity payments for existing E&E will be adjusted consistent with Union language:

	Current	2023
10 -<15 years	\$250	\$275
15-<20 years	\$350	\$375
20-<25 years	\$575	\$600
25+ years	\$800	\$825

(this proposal is consistent with the Local 1026 proposal from the tentative agreement and matches Longevity payments which are currently in place for Local 1026)

- General Wage Adjustments
 - For year 2023, effective December 31, 2022 - 5%
 - For year 2024, effective December 29, 2023 – 4%
 - For year 2025, effective December 28, 2024 – 3.5%
 - For year 2026, effective December 27, 2025 – 3%

- District will implement a Health Enhancement Plan (HEP) in conjunction with the Districts Medical Plan. Health Enhancement Program- helps direct employees and spouses to receive age appropriate preventative wellness care that can help employee/spouse well-being by early detection and prevention.

The Health Enhancement Plan requires enrolled adults to receive age appropriate activities/exams (employee and enrolled spouse).

Both Employee and Spouse are considered compliant by completing age appropriate requirements within the coverage year (i.e. 2023). If Employee and Spouse are both enrolled, both parties must complete the age appropriate exams/activities to be deemed compliant.

If enrolled individual(s) do not complete age appropriate exams/activities within the coverage year (i.e. 2023), they are deemed non-compliant for the following plan year and are subject to a 5% increase to existing premiums. For example, currently employees pay an 18% premium but will pay 23% if they are non-compliant. Non-Compliance means either the Employee and/or Spouse did not receive the age appropriate medical exams/screenings.

Example of some of the age appropriate exams/activities.

PREVENTIVE SCREENINGS	AGE						
	0-5	6-17	18-24	25-29	30-39	40-49	50+
Preventive Visit	1 per year	1 every other year	Every 3 years	Every 3 years	Every 3 years	Every 2 years	Every year
Vision Exam	N/A	N/A	Every 7 years	Every 7 years	Every 7 years	Every 4 years	50-64: Every 3 years 65+: Every 2 years
Dental Cleanings*	N/A	At least 1 per year	At least 1 per year	At least 1 per year	At least 1 per year	At least 1 per year	At least 1 per year
Cholesterol Screening	N/A	N/A	Every 5 years (20+)	Every 5 years	Every 5 years	Every 5 years	Every 5 years
Breast Cancer Screening (Mammogram)	N/A	N/A	N/A	N/A	N/A	1 screening between age 45-49**	As recommended by physician
Cervical Cancer Screening (Pap Smear)	N/A	N/A	Every 3 years (21+)	Every 3 years	Pap smear only every 3 years or Pap and HPV combo screening every 5 years	Pap smear only every 3 years or Pap and HPV combo screening every 5 years	Pap smear only every 3 years or Pap and HPV combo screening every 5 years to age 65
Colorectal Cancer Screening [†]	N/A	N/A	N/A	N/A	N/A	40-44: N/A 45+: Colonoscopy every 10 years, Annual FIT/FOBT to age 75 or Cologuard screening every 3 years	

The HEP is managed by a third party administrators that works with the District

insurance carrier. Notifications are sent to enrolled employees and spouses at various times throughout the year to remind them of required activities (identifies which exams are required) and employees/spouses have access to individual portal to track their progress.

- 1% OPEB Premium Share Participation will be eliminated
- Eliminate Pro Rata Vacation Payments at retirement – advance of next year's vacation time shall be discontinued.

(The District currently pays retiring employees, ½ of the following year vacation allotment for retirements before July 1st and the full allotment for retirements July 1st-December 1st)

At a meeting of the Personnel, Pension & Insurance Committee held on August 10, 2022, it was:

VOTED: That the Personnel Pension and Insurance Committee recommend to the District Board passage of the above-detailed amendments to benefits and conditions extended to Exempt and Excluded employees:

RESOLVED: That the Exempt and Excluded benefits and conditions be amended as indicated herein and above.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**SETTLEMENT OF WORKERS COMPENSATION CLAIM
ROBERT DELVECCHIO**

To: District Board

September 7, 2022

From: Personnel, Pension and Insurance

District Staff recommends approval of a tentative agreement to close out the indemnity portion of Robert Delvecchio's six open workers compensation claims. This tentative agreement is a full and final settlement of all existing indemnity claims in the amount of \$55,000.00.

If this agreement is approved by the Personnel, Pension and Insurance Committee and the Board of Commissioners, the stipulation would be presented to the Workers' Compensation Commissioner for final approval.

At a meeting of the Personnel, Pension & Insurance Committee held on September 6, 2022, it was:

VOTED: That the Personnel Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorizes District Counsel, or his designee, to execute any and all documents necessary to effect settlement of all workers' compensation indemnity claims for Robert Delvecchio in the amount of \$55,000.00, subject to the final approval by the Workers' Compensation Commissioner.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**INTERNAL AUDIT COMMITTEE
SANDLER & MARA P.C. INVOICES**

To: District Board

September 7, 2022

From: Internal Audit Committee

At a meeting of the Internal Audit Committee held on August 25, 2022, it was:

VOTED: At the August 1, 2022 Special Meeting of the Board of Commissioners a matter concerning invoices for work by Attorney James Sandler of Sandler & Mara, P.C. was referred to the Internal Audit Committee of the MDC.

In July, 2022 invoices were received from Attorney James Sandler. The bills received were for services purportedly performed from January 2022 - June 2022.

The Internal Audit Committee has determined:

- A contract for services for 2022 did not exist between MDC and Attorney James Sandler of Sandler & Mara;
- The only persons authorized to execute a contract for legal services are the General Counsel and the Chief Executive Officer;
- Neither the MDC General Counsel nor the CEO authorized nor were either in negotiations for a contract with Attorney James Sandler in 2022; and
- The documents submitted on August 25, 2022 by the attorney representing Attorney James Sandler do not contain a contract, purchase order or other form of agreement authorizing Attorney James Sandler to perform for and receive payment from the MDC.

Based upon the foregoing, the Internal Audit Committee recommends to the Board that Attorney James Sandler's 2022 invoices not be paid

AND

VOTED: That the Committee resolves that staff hold payment for the \$14,000 invoice dated October 1, 2021 until the Board approves such payment.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**INTERNAL AUDIT COMMITTEE
QUESTIONS TO WILLIAM DIBELLA**

To: District Board

September 7, 2022

From: Internal Audit Committee

At a meeting of the Internal Audit Committee held on August 25, 2022, it was:

VOTED:

In July, 2022 District Counsel received invoices ("Invoices") from Attorney James Sandler of Sandler & Mara, P.C., which in turn were distributed to all MDC Commissioners and Citizen Members. The Invoices purportedly relate to services performed from January 2022-June 2022. Over the past several weeks, certain MDC Commissioners have submitted questions regarding the Invoices to Chairman DiBella, either directly or through the District Clerk. With the exception of the question posed by the Internal Audit Committee ("Committee") at its meeting of August 4, 2022, other questions submitted by Commissioners remain unanswered.

At the August 1, 2022 Special Meeting of the Board of Commissioners the matter concerning the Invoices was referred to the Committee.

On August 24, 2022, District Counsel was informed that, because the matter is under consideration by the Committee, Chairman DiBella would only answer questions regarding the Invoices submitted by the Committee, not individual Commissioners.

Based upon the foregoing, the Committee hereby resolves that a list of questions will be submitted to Chairman DiBella on or before the close of business Friday, August 26, 2022, with a written response deadline of close of business Thursday, September 1, 2022.

Based upon input from the members of the Committee considering this matter, the list of questions will be finalized on or before noon Friday, August 26, 2022.

The Committee reserves the right to submit supplemental questions to Chairman DiBella as it deems appropriate.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

INTERNAL AUDIT COMMITTEE
REFERRAL TO ETHICS COMMITTEE FOR POSSIBLE ETHICS CODE VIOLATION

To: District Board

September 7, 2022

From: Internal Audit Committee

At a meeting of the Internal Audit Committee held on August 25, 2022, it was:

VOTED:

In July, 2022 District Counsel received invoices ("Invoices") from Attorney James Sandler of Sandler & Mara, P.C., which in turn were distributed to all MDC Commissioners and Citizen Members. The Invoices purportedly relate to services performed from January 2022-June 2022. Attorney Sandler claims that the Invoices evidence a legal obligation of the MDC and are due and payable. Presently, the MDC disputes that claim. As such, there is a case in controversy between Attorney Sandler and the MDC.

Generally, Commissioners and Citizen Members should refrain from communicating with any outside consultants regarding matters before the MDC and should not take any action in direct contravention to the policy decisions and directives of the District Board. As to this particular claim, Commissioners and Citizen Members were specifically advised to refrain from engaging in such communication by District Counsel.

At the August 1, 2022 Special Meeting of the Board of Commissioners the matter concerning the Invoices was referred to the MDC Internal Audit Committee ("Committee") for investigation of the Invoices and whether or not the work purportedly performed by Attorney Sandler was properly authorized and committed to by Chairman Dibella. The Committee met immediately thereafter (August 4, 2022) to commence its assigned tasks.

At some time thereafter, the Chairwoman of the Committee was informed that MDC Commission Alvin Taylor met with a representative of Sandler & Mara in an attempt to negotiate a settlement of the claim and thereby bypass the investigation by the Committee, and thereafter contacted one or more Commissioners to solicit their support.

Based upon the foregoing, the Committee hereby refers the matter described above to the MDC Ethics Advisory Board to determine whether Commissioner Taylor violated any MDC ethics rules and if so, recommend to the District Board what, if any, action should be taken as a result.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**INTERNAL AUDIT COMMITTEE
REFERRAL TO BOARD POSSIBLE VIOLATION OF MDC BYLAW B2k**

To: District Board

September 7, 2022

From: Internal Audit Committee

At a meeting of the Internal Audit Committee held on September 6, 2022, it was:

VOTED: Be It Hereby Resolved that the Internal Audit Committee hereby refers the matter relating to a possible ethics code violation by Commissioner Alvin Taylor, as described in a previously adopted resolution of the Internal Audit Committee dated August 25, 2022, to the MDC District Board for a determination as to whether the alleged actions of Commissioner Taylor as therein described constitute a violation of MDC By-Law B2k.

AND

VOTED: Be It Further Resolved that the Internal Audit Committee recommends that no investigation or action be taken by the District Board on this referral until such time as the Ethics Advisory Board concludes its investigation and reports its findings and recommendations, if any, on the matter referred to in its August 25, 2022 resolution noted above.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

**INTERNAL AUDIT COMMITTEE
BUDGET FOR OUTSIDE COUNSEL FOR INDEPENDENT INVESTIGATION**

To: District Board

September 7, 2022

From: Internal Audit Committee

At a meeting of the Internal Audit Committee held on September 6, 2022, it was:

VOTED: Be It Hereby Resolved that, pursuant to MDC By-Law B3n, the Internal Audit Committee recommends to the District Board the creation of a budget with an authorization to expend an amount not to exceed \$50,000 for the purpose of retaining, through the District Counsel, an outside legal counsel to conduct an independent investigation into issues relating to 2021 and 2022 Sandler & Mara, P.C. invoices.

Respectfully submitted,

A handwritten signature in black ink, reading "John Mirtle". The signature is written in a cursive, slightly slanted style.

John S. Mirtle, Esq.
District Clerk